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COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 13 of the provisional agenda

RIGHTS OF THE CHILD

Joint written statement submitted by the International Movement of the Apostolate of Children, a non-governmental organization on the Roster, and Pax Christi, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 March 1999]

Children need peace: they have a right to it
(Pope John Paul II, World Day of Peace, 1999)

1. Pax Christi, an international Catholic peace movement, and the International Movement of the Apostolate of Children (MIDADE) another international Catholic movement, are convinced that children have the capacity to take responsibility for their own lives, to defend their rights and to build a world of peace. We deeply believe that children are bridges to peace and have a right to this peace.

2. As international Catholic movements, Pax Christi and MIDADE are committed to action and advocacy in defence of the rights of all children. Children affected by armed conflict, either as soldiers or as victims, have a special claim on our commitment. The direct involvement of children in armed conflict clearly violates their right to life. Such involvement jeopardizes their health, their security and their psychological development; it deprives children of their rights to education, adequate health care, leisure and a safe and nurturing environment.

Child soldiers

3. We regard the use of children in combat, either as soldiers or in various auxiliary roles, as a violation of their dignity and their fundamental rights. For this reason, we are taking an active part in the International Coalition to Stop the Use of Child Soldiers. One of the key elements of this campaign is advocacy for the adoption of an optional protocol to the Convention on the Rights of the Child. This protocol would raise the minimum age of recruitment or military service from 15 to 18 years.

4. We also strongly urge that the use of child soldiers be included in the text of the proposed new Convention of the ILO as one of the "worst forms of child labour".

5. In its advocacy for children's rights Pax Christi supports the movement for the ratification of the Statute of the International Criminal Court. By the terms of the Statute the Court will be able to prosecute as a war crime the conscription or enlistment of children for service in armed conflict.

Child victims of armed conflict

6. Among what Mr. Olara Otunnu, Special Representative of the Secretary-General for children in armed conflict, called "the abominations committed against children in the context of armed conflict" (A/53/482, para. 13), must be reckoned the killing, maiming or injury of thousands of children each month by antipersonnel landmines. Pax Christi is active in lobbying Governments to implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Landmines and on their Destruction concluded in Ottawa in 1997. This treaty must be effectively implemented by the establishment of programmes for mine clearance, mine awareness, and the rehabilitation of mine survivors. We believe it is a matter of justice that funds used to manufacture, export and sow these

barbarous weapons should be matched or exceeded by funds for their removal or deactivation and for the physical and psychological rehabilitation of mine victims.

7. The thousands of children who suffer and die each month because of sanctions regimes, particularly in Iraq, are also among the innocent victims of armed conflict. Pax Christi urges an increased international effort to end the appalling suffering of these children. We endorse and pledge our support to the Special Representative for children and armed conflict in his efforts to explore and pursue child-focused exemptions to all sanctions regimes.

8. Another soul-blighting effect of armed conflict on children is their experience of a precarious life as refugees or displaced persons. More than half of the 24 million people who are refugees or displaced persons are children. We support the work of the United Nations High Commissioner for Refugees and the Special Representative for children and armed conflict in their collaboration to promote the protection of refugee and internally displaced children.

Armed conflict and the right to education

9. Because it disrupts all the normal patterns of life, armed conflict violates children's right to education. Armed conflict plays havoc with the opportunity for regular schooling and for an education which furthers the full development of children's personalities and the strengthening of "respect for human rights and fundamental freedoms" (Universal Declaration of Human Rights, art. 26). Children who are taught the arts of war are denied the opportunity to learn the arts of peace - how to resolve conflicts without recourse to violence and how to live peacefully with all racial and religious groups "in the spirit of respect, dignity and tolerance." (Preamble, Convention on the Rights of the Child).

10. Education, especially education for peace and mutual understanding, can be a means to prevent conflict. In a post-conflict society such education can help to rebuild a culture of peace. It can also help to provide alternative opportunities for service for young people and de-mystify the appeal of being a soldier. In their various peace education programmes for children and families Pax Christi and MIDADE endeavour to contribute to a climate of understanding, respect and tolerance between peoples and between ethnic and religious groups.

11. The year 1999 will mark the tenth anniversary of the adoption of the Convention on the Rights of the Child. In honouring this anniversary Pax Christi International and MIDADE join other non-governmental organizations in calling on Governments to enhance their implementation of the Convention, and in particular to protect children from the scourge of war. According to the Convention on the Rights of the Child, all children have the right to grow up in and contribute to a culture of peace and non-violence (arts. 24, 27, 28, 31). Pax Christi and MIDADE are committed to promoting and protecting that right.

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COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 March 1999]

GE.99-11515 (E)

Situation of human rights in Colombia

1. The International Federation of Human Rights Leagues and one of its affiliated organizations, the Colectivo de Abogados "José Alvear Restrepo" of Colombia, submit to the Commission on Human Rights at its fifty-fifth session the following written statement on the situation of human rights in Colombia.

2. On 7 August 1998, Dr. Andrés Pastrana Arango replaced Dr. Ernesto Samper Pizano as President of Colombia. During the four-year term of Dr.. Samper's presidency, more than 120,000 persons lost their lives, 10 per cent of whom were executed extrajudicially or killed for political reasons, 750 persons were subjected to enforced disappearances, some 115,000 persons reported violations of their physical integrity and 800,000 more people were displaced as a result of the internal armed conflict, in particular because of the terrorist activities of paramilitary groups.

3. The new Government has focused its efforts on the topic of peace, negotiating with the guerrilla movements. This process still seems too long-drawn-out and uncertain, however. The paramilitary groups, sponsored by the Armed Forces as a scorched-earth counter-insurgency strategy, are still growing in strength. In the last few months, they have massacred hundreds of peasants in various parts of the country. For their part, the guerrillas are continuing their practice of kidnapping. An attack by the ELN on 19 October 1998 against an oil pipeline cost the lives of more than 70 people in the Machuca correctional prison.

4. The peace initiatives of the Government of Colombia have lacked a genuine political will to ensure respect for human rights and to dismantle the paramilitaries. High-ranking army officers, involved in the promotion of death squads or the development of paramilitary activities, have been decorated and promoted by the new Government.

5. The new Government has favoured direct contact with the participants in the armed conflict and has undervalued the dialogue with trade unions and human rights organizations. Between 7 and 26 October 1998, a national general strike was held to protest against tax reforms which would damage still further the meagre incomes of most public employees. During the strike, seven union members were murdered, including Jorge Ortega García, Vice-President of the largest trade union, the Central Unitaria de Trabajadores (CUT). One month previously, the Observatory for the Protection of Human Rights Defenders had made an urgent appeal for his protection, because his life had been threatened.

6. In its ruling of 20 October 1998, the Constitutional Court ordered the State to provide urgent protection for human rights defenders in the following terms:

> "Declares that there are unconstitutional aspects to the lack of protection for human right defenders and, in consequence, calls upon all the authorities in the Republic to put an end to such a situation and requests the Attorney-General of the Nation and the Ombudsman to pay

special attention, within their constitutional obligation to watch over, protect and promote human rights, to the protection of the lives of human rights defenders."

7. Despite the order of the Constitutional Court, the repeatedly expressed concern of the United Nations Commission on Human Rights regarding the plight of human rights defenders and the appeals by the international community that their lives be protected and their freedom and work safeguarded, human rights defenders in Colombia continue to receive systematic threats in a climate of utter impunity. On 28 January 1999, the human rights defenders, Jairo Bedoya Carvajal, Claudia Tamayo, Olga Ruth Rodas Duque and Jorge Salazar, members of the Instituto Popular de Capacitación (IPC), were kidnapped in the city of Medellín by paramilitary groups which, in a widely distributed communiqué, described them as para-subversives and guerrillas, stating that they were considered to be "prisoners of war", and announced that their groups would continue their attacks against all defenders who, in their view, deserved such a description. Thanks to the intervention of the International Committee of the Red Cross (ICRC) and the mobilization of the international human rights community, these persons were released, but human rights defenders are still in the front line of paramilitary repression. On 30 January 1999, the human rights defenders, Everardo de Jesús Puerta González, of the Cali branch of the Comité de Solidaridad con los Presos Políticos (CSPP) and Julio Ernesto González Trujillo, of the Medellín branch, were murdered after the bus in which they were travelling to the city of Bogotá had been held up.

8. The non-governmental human rights organizations have demanded preventive protection measures from the Dr. Pastrana Government, including a purge of the members of the Armed Forces who, by action or omission, have encouraged the paramilitaries, an act within the discretionary power of the President as commander-in-chief of the Armed Forces.

9. Under the new Government, human rights violations continue to be generalized, massive and systematic. The recommendations contained in the report of the United Nations High Commissioner for Human Rights, submitted to the Commission at its fifty-fourth session, have not been adopted.

10. For these reasons, the Colectivo de Abogados "José Alvear Restrepo" and the International Federation of Human Rights Leagues request the Commission to adopt, at its fifty-fifth session, a resolution on Colombia whereby it will:

(a) Ask the Government of Colombia to implement fully the recommendations of the High Commissioner for Human Rights, the Commission and the other specialized organs of the international system for the protection of human rights;

(b) Emphasize that the military criminal code should not be applicable to all types of offences and that crimes against humanity and the encouragement of paramilitary groups should be expressly excluded from its jurisdiction. Until the legislative changes take place, the President of the Republic should give express orders to the Armed Forces to abstain from

provoking conflicts of jurisdiction in cases involving combinations to promote paramilitary activities or to commit crimes against humanity or war crimes;

(c) Demand that the Government of Colombia remove forthwith from the police and the Armed Forces all those members who, by action or omission, have promoted paramilitary activities or have committed or abetted crimes against humanity, without prejudice to any ongoing disciplinary inquiry or criminal investigation;

(d) Urge the Government of Colombia to give its unconditional support to the Human Rights Unit of the Attorney-General's Office and the Office of the Attorney Delegate for Human Rights in their investigations of State agents or paramilitaries, so as to ensure that impunity will be overcome. And request the adoption of a single disciplinary code rendering it possible to impose penalties in keeping with the seriousness of the offences;

(e) Request the immediate release of human rights defenders held by paramilitary groups and procedural guarantees for those who are in detention, accused by "faceless witnesses" in the Regional Justice system. And request, once again, that the so-called Regional Justice or "faceless" system be dismantled immediately, because it violates the universal guarantees of due process;

(f) Ask the Government of Colombia to commit itself to tackling the causes of the enforced displacement of people and to develop an integral policy to care for this section of the population and to qualify the enforced displacement of people as a crime against humanity;

(g) Ask the Government of Colombia to promote an agreement to regulate the armed conflict with the guerrilla movement, having adequate methods of monitoring and of applying political and criminal sanctions; that guarantees the unrestricted application of international humanitarian law;

(h) Ask the Government of Colombia to abolish, once and for all, the regulations that have authorized the activities of the "Vigilance" and "Private Security" associations, known as CONVIVIR;

(i) Urge the Government of Colombia to adopt effective measures to protect the lives of human rights defenders and to investigate and punish any attempts against their lives, integrity or freedom; and

(j) Decide, as requested in the joint communication submitted by the Colombian non-governmental organizations present at this session of the Commission, to strengthen the Office in Colombia of the United Nations High Commissioner for Human Rights, to ensure that it limits itself strictly to its mandate and to specify that the report on its activities and on the human rights situation in Colombia is also to be submitted to the General Assembly of the United Nations, as a measure likely to strengthen the commitment of the international community to the betterment of the human rights situation in Colombia.

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COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by Franciscans International, a non-governmental organization in general consultative status; Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, International Federation of Action by Christians for the Abolition of Torture, International Federation of Human Rights Leagues, France-Libertés - Fondation Danielle Mitterrand, Humanitarian Law Project - International Educational Development, Inc., Netherlands Organization for International Development Cooperation, World Organization against Torture, Pax Christi International, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 February 1999]

Human rights situation in Mexico

1. The signatory non-governmental organizations wish to draw the attention of the Commission on Human Rights to the following declaration by 96 Mexican organizations.

2. The human rights situation in Mexico continues to deteriorate. Various United Nations bodies specialized in the protection of human rights, 1/ as well as the Inter-American Commission on Human Rights of the Organization of American States, 2/ have confirmed this trend. Mexico occupies a leading place for reports of deaths in detention received by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions and ranks third for cases of disappearances submitted to the Working Group on Enforced or Involuntary Disappearances, according to their most recent reports. In addition, the Inter-American Commission on Human Rights (IACHR) stated in its 1998 report that the practice of illegal detention in Mexico constitutes a serious situation of human rights violations due to its systematic character. Furthermore, the Committee against Torture concluded in 1997 that torture is systematically practised in Mexico, especially by the judicial police and, recently, by members of the armed forces on the pretext of combating subversives and drug-trafficking. The Special Rapporteur on the question of torture confirmed that torture is frequent throughout much of the country. 3/

3. The Sub-Commission on Prevention of Discrimination and Protection of Minorities requested in its resolution 1998/4, adopted at its fiftieth session, that the Government of Mexico should attach the highest priority to combating the impunity of perpetrators of serious human rights violations, especially those committed against members of indigenous communities, and also to promoting the action of human rights defenders and guaranteeing their safety; in addition, it appealed to the signatories to the San Andrés accords to resume the process favouring dialogue.

1/ CERD/C/50/Misc.24; CAT/VIII/CRP.1/Add.4; CEDAW/C/MEX/3-4 and Add.1; E/CN.4/1997/60/Add.1; E/CN.4/1998/68/Add.1; E/CN.4/1998/95/Add.1; E/CN.4/1998/38/Add.2; Sub-Commission resolution 1998/4, among others.

2/ IACHR reports: 43/96; 48/97, 49/97 and report on the general situation of human rights in Mexico, published on 28 September 1998.

3/ See, for example, the recommendations of the Special Rapporteur on the question of torture, according to which certain legislative reforms are essential to bring domestic law into line with international human rights standards. Despite these recommendations, no bill proposing such reforms has been drafted and torture continues to be commonly practised in Mexico under the protection of legislation such as the Law against Organized Crime (1996) and the Code of Criminal Procedure (which grants excessive powers to agents of the Public Prosecutor's Office), as well as court decisions that take account of confessions even when they have been obtained during prolonged periods of detention.

4. The lack of political will on the part of the Mexican Government to put an end to these grave human rights violations (the right to life, the right to personal liberty and integrity, as well as to legal guarantees and protections), the ineffectiveness and partiality of the institutions responsible for law enforcement and the administration of justice, the increased activity of the armed forces in civilian life; the increasing tendency for police bodies to be directed by military officers and the Army's direct participation in public security matters, anti-narcotics operations and the counter-insurgency fight, as well as the impunity enjoyed by paramilitary groups, affect the entire population, especially the most vulnerable sectors (indigenous people, women and children), throughout the country and particularly, in Guerrero, Chiapas and Oaxaca.

5. The lack of independence of the judiciary worsens the situation of human rights in Mexico. The IACHR pointed out that the very constitutional structure of the courts calls into question the degree of real independence that these bodies have from the Executive, and that the relationship between illegal detention and violations of personal integrity and judicial guarantees is not coincidental, but reflects the dependence that arises in many cases between administrative and judicial authorities. The failures of the judicial system reflect a general undermining of the rule of law. Norms are applied with discretion, to the benefit of certain power groups, and there are grave irregularities in legal procedures.

6. Law-enforcement and judicial institutions are commonly used to resolve political conflicts. This is the case in the operations to dismantle autonomous municipalities in the State of Chiapas, where on the pretext of "re-establishing the rule of law" hundreds of illegal detentions and searches have been carried out. This demonstrates the misuse of power that the Mexican Government has employed, under the pretext of disbanding insurgent groups, to silence and prevent peaceful resistance to State policies.

7. A further concern is the growing militarization occurring in Mexico in recent years, which has brought with it innumerable human rights violations by soldiers who, as stated by the Special Rapporteur on the question of torture, enjoy impunity from civil justice and are, in general, protected by the military justice system. This militarization has particularly affected regions which are predominantly indigenous. In this regard, the IACHR stated that there has been not only a resumption of measures of control by the security forces, but also indiscriminate repression of social organizations and leaders. The High Commissioner for Human Rights has also expressed her concern regarding this situation.

8. Paramilitary activity in Chiapas is extremely serious and since 1995 has caused a large number of deaths. During 1998, despite alleged investigations to disarm the paramilitary groups, they continued to operate with impunity. This lack of justice is repeated in other states such as Guerrero, Oaxaca and Veracruz, where armed civilian groups are known to exist. In 1997, the Committee on the Elimination of Racial Discrimination highlighted the fact that acts of violence or intimidation perpetrated by paramilitary groups, the forces of law and order or landowners have frequently gone unpunished. This situation has given rise to the forced displacement of entire indigenous communities. According to unofficial figures, there are more than 16,000

internally displaced persons in Chiapas who live in inhumane conditions and whose personal security is vulnerable to aggressions, such as those massacred at Acteal, in the municipality of Chenalhó, Chiapas, on 22 December 1997.

9. Human rights defenders and journalists have suffered increasing levels of harassment, violence, threats and intimidation, which led both the IACHR and the Special Rapporteur on extrajudicial, summary or arbitrary executions to express their concern. Furthermore, the Mexican Government is increasingly resisting international human rights observations. Since November 1997, it has forced over 100 international observers to leave the country. Furthermore, a policy of accreditation and admission for international observer missions has been implemented which depends on the discretion of immigration officials to grant permission to enter the country for purposes of human rights monitoring and humanitarian aid distribution.

10. While the establishment of the official human rights protection system is positive, 4/ the system has been ineffective in curbing human rights abuses as it does not enjoy true independence from the Executive. Its investigation methods do not adhere to the standards imposed by international systems, compliance with its recommendations is left to the discretion of the authorities and, as pointed out by the Special Rapporteur on the question of torture, it demonstrates an inexplicable disposition to consider such recommendations as complied with, when in practice they have only been partially implemented.

11. In 1993, the Committee on Economic, Social and Cultural Rights expressed its concern regarding the high number of persons living in extreme poverty and the growing disparity of wages for Mexican workers. According to official figures, since this date the number of people living in extreme poverty has increased from 17 million to 26 million; meanwhile, the real minimum wage has declined to the level it held in 1940. This situation is particularly grave for indigenous peoples, as compared to the rest of the population, since in many areas they live in deplorable conditions of poverty and lack access to social services and health care. Equally, as the IACHR has stated, although indigenous municipalities account for one third of all municipalities in the country, they represent 48 per cent of areas with "high poverty" and 82 per cent of those with "very high poverty".

12. In view of the above, we request the Commission on Human Rights to:

(a) Urge the Government of Mexico to adopt measures against the great number of human rights violations and against those who commit them. Reform of the system of law enforcement and administration of justice is essential to ensure all individuals full access thereto;

(b) Call on the Government to strengthen the public human rights protections system, guaranteeing full autonomy for the National Human Rights Commission and the state human rights commissions to ensure the thorough,

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4/ This system is comprised of the National Human Rights Commission (CNDH) and 323 state commissions.

impartial and effective investigation of all complaints and reports of violations by a body that is independent from those believed to be responsible and has the authority and resources necessary to complete such an investigation;

(c) Call on the Government to arrange for a visit by the High Commissioner for Human Rights as soon as possible to analyse the situation on the basis of on-site monitoring, in coordination with the public commissions and civil organizations concerned with human rights;

(d) Examine the situation of human rights in Mexico, taking into account information from the various bodies of the United Nations and the Organization of American States, and especially Sub-Commission resolution 1998/4, which states that should the Commission decide not to do so, the Sub-Commission will continued the consideration of these developments at its fifty-first session;

(e) Urge the Government to extend invitations to the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, as well as to the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, and appoint a Special Rapporteur for Mexico to monitor the general situation of human rights in the country.

The networks:

1. Convergencia de Organismos Civiles por la Democracia
2. Foro de Organismos Civiles de Oaxaca (FOCO)
3. Movimiento Ciudadano por la Democracia (MCD)
4. Red Nacional de Organismos Civiles de Derechos Humanos "Todos los derechos para todos"
5. Red Mexicana de Acción Frente el Libre Comercio (RMALC)

The 91 Mexican organizations:

1. Academia Jalisciense de Derechos Humanos, A.C. (AJDH) Jalisco
2. Acción de los Cristianos para la Abolición de la Tortura (ACAT), D.F.
3. Alianza Cívica
4. Asamblea Nacional Indígena Plural por la Autonomía (ANIPA)
5. Asociación Civil para la Defensa de los Derechos Ciudadanos "Miguel Hidalgo", A.C. Hidalgo
6. Asociación de Familiares de Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México AFADEM (FEDEFAM-México)
7. Asociación Jalisciense de Apoyo a los Grupos Indígenas (AJAGI) Jalisco
8. Brigadas Pro Derechos Humanos-Observadores por la Paz
9. Casa y Ciudad, A.C.
10. Casa del Pueblo, Tlalpán, D.F.

11. Ce-Acatl, A.C.
12. Centro de Apoyo al Movimiento Popular Oaxaqueño (CAMPO)
13. Centro de Derechos Humanos de la Montaña (Tlachinollán, A.C.), Guerrero
14. Centro de Derechos Humanos "Los Príncipes", Oaxaca
15. Centro de Derechos Humanos "Fray Bartolomé de Las Casas", A.C. Chiapas
16. Centro de Derechos Humanos "Fray Francisco de Vitoria O.P.", A.C., D.F.
17. Centro de Derechos Humanos "Miguel Agustín Pro", A.C. (PRODH), D.F.
18. Centro de Derechos Humanos "Tepeyac", Oaxaca
19. Centro de Derechos Indígenas (CEDIAC), Chiapas
20. Centro de Derechos Indígenas "Flor y Canto", A.C., Oaxaca
21. Centro de Derechos Humanos "Fray Matías de Córdoba", Chiapas
22. Centro Regional de Derechos Humanos "Bartolomé Carrasco", A.C.
23. Centro de Estudios Fronterizos y Promoción de los Derechos Humanos, A.C., Tamaulipas
24. Centro de Estudios para el Cambio en el Campo Mexicano
25. Centro de Estudios Sociales y Culturales Antonio Montesinos
26. Centro Nacional de Comunicación Social (CENCOS)
27. Centro de promoción y Defensa de los Derechos Humanos, A.C., Guerrero
28. Centro Potosino de Derechos Humanos, A.C. (CEPODHAC), San Luis Potosí
29. Ciudadanía Lagunera por los Derechos Humanos, A.C., Coahuila
30. Ciudadanos en Apoyo a los Derechos Humanos A.C. (CADHAC), Nuevo León
31. Colectivo Mexicano de Apoyo a la Niñez (COMEXANI)
32. Colectivo de Mujeres Campesinas de la Costa Grande de Guerrero (COMUCAM)
33. Colectivo Oaxaca por la Paz
34. Comisión de Derechos Humanos de la Asamblea de Barrios, D.F.
35. Comisión de Derechos Humanos "La Voz de los sin voz", Guerrero
36. Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C. (COSYDDHAC), Chihuahua
37. Comisión Independiente de Derechos Humanos de Morelos, A.C., Morelos
38. Comisión Intercongregacional "Justicia, Paz y Vida", D.F.
39. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C., D.F.
40. Comisión para la Defensa de los Derechos Humanos, A.C., Veracruz
41. Comisión Regional de Derechos Humanos "Mahatma Gandhi", Oaxaca
42. Comité de Artes, Oficio y Ecología
43. Comité de Defensa y Apoyo a Comunidades y Pueblos Indios (CODACPI), Guerrero

44. Comité de Defensa de las Libertades Indígenas (CDLI), Chiapas
45. Comité de Derechos Humanos Ajusco, D.F.
46. Comité de Derechos Humanos de la Huasteca, Sierra Oriental (CODDHSO)
47. Centro de Derechos Humanos "Don Sergio", A.C., Morelos
48. Comité de Derechos Humanos "Fr. Pedro Lorenzo de la Nada, O.P.", Chiapas
49. Comité de Derechos Humanos de Colima (no gubernamental), Colima
50. Comité de Derechos Humanos y Orientación Miguel Hidalgo, A.C. (CODHOMHAC), Guanajuato
51. Comité de Derechos Humanos Pueblo Nuevo, A.C., D.F.
52. Comité de Derechos Humanos de Tabasco, A.C. (CODEHUTAB), Tabasco
53. Comité de Derechos Humanos de la Sierra Norte de Veracruz, A.C., Veracruz
54. Comité Emiliano Zapata de San Nicolás de Totoloapán
55. Comité Sergio Méndez Arceo Pro Derechos Humanos de Tulancingo, Hidalgo, A.C.
56. Congreso Nacional Indígena (CNI)
57. CNI Tarahumara-Chihuahua
58. Consejo Indígena Popular Oaxaqueño "Ricardo Floren Magón"
59. Consejo Supremo Nahuatl de Texcoco
60. Coordinadora Nacional de Mujeres Indígenas
61. Coordinadora Nacional de Pueblos Indios
62. Deca Equipo Pueblo, A.C.
63. Defensoras Populares A.C. (DPAC)
64. Defensoría del Derecho a la Salud
65. Desarrollo Social y Económico de los Mexicanos Indígenas, A.C.
66. Espacio Autónomo, A.C.
67. Foro Maya Peninsular
68. Frente Auténtico del Trabajo (FAT)
69. Frente Cívico Sinaloense, Secretaría de Derechos Humanos, Sinaloa
70. Frente por el Derecho a Alimentarse, A.C.
71. Frente Regional Popular del Sureste de Veracruz
72. Grupo Indignación, A.C., Yucatán
73. Instituto Guerrerense de Derechos Humanos, A.C., Guerrero
74. Instituto Mexicano para el Desarrollo Comunitario, A.C. (IMDEC), Área de Derechos Humanos, Jalisco
75. K'inal Ansetik
76. Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH-FIDH)

77. Maderas del Pueblo del Sureste, Oaxaca
78. Mujeres en Acción Solidaria (MUSAS), Tabasco
79. Praxis
80. Programa Universitario de Derechos Humanos del ITESO, Jalisco
81. Programa Universitario de Derechos Humanos, UIA - León, Guanajuato
82. Promotores de Derechos Humanos del STUNAM
83. Servicios del Pueblo Mixe
84. Servicios para una Educación Alternativa, A.C. (EDUCA)
85. Servicio Paz y Justicia-México (SERPAJ)
86. Taller Universitario de Derechos Humanos (TUDH), D.F.
87. Unión Campesina Obrero Popular Independiente, Irapuato
88. Unión de Comuneros Emiliano Zapata, Michaoacán, Guanajuato
89. Unión de Comunidades Indígenas Nahuas de Jalisco
90. Unión de Comunidades Indígenas de la Zona Norte del Istmo (UCIZONI)
91. XI'Nich, Chiapas

The 25 non-governmental and other organizations:

1. Ascur-Las segovias
2. Agir Ensemble pour les droits de l'Homme
3. Missionary Centre of the Franciscans, Bonn
4. CAFOD
5. CCFD
6. Center for Justice and International Law (CEJIL)
7. National Centre for Development Cooperation, Flanders, Belgium
8. CIDSE
9. CIFCA
10. DKA, Austria
11. Federación de Asociaciones de Defensa y Promoción de Derechos Humanos
12. International Federation of Action by Christians for the Abolition of Torture (IFACAT)
13. International Federation of Human Rights (IFHR)
14. France Libertés-Fondation Danielle Mitterrand
15. Franciscans International and the Dominicans
16. Humanitarian Law Project-International Educational Development
17. Instituto de estudios políticos para América Latina y África (IEPALA)

18. Netherlands Organisation for International Development Cooperation (NOVIB)

19. One World Action

20. Oxfam GB

21. World Crganization against Torture (OMCT)

22. Pax Christi, Germany

23. Pax Christi International

24. Paz y Tercer Mundo, España

25. Terre des Hommes, France

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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Joint written statement submitted by Franciscans International, a non-governmental organization in general consultative status, and by Maryknoll Fathers and Brothers and Maryknoll Sisters of St. Dominic, Inc., non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 February 1999]

GE.99-11539 (E)

Violations of the human rights of the internally displaced population in Colombia, and in Barancabermeja in 1998 in particular

Internally Displaced Persons (IDPs)

1. Colombia has one of the highest numbers of internally displaced persons living within its borders. More than 1.2 million Colombians have been forced to flee their homes during the last decade; 200,000 people were displaced in 1997, 275,000 during 1995 and 1996. 1/ In January 1999 over 200,000 IDPs were added to the national total by the earthquakes.

2. IDPs is an unclear category for aid organizations, for there is no institution that deals solely with this phenomenon and no proper set of laws which apply to their situation. IDPs are extremely vulnerable and inadequately protected by international legislation. They are often an inconvenience and an embarrassment to their national Government. IDPs share many of the needs of refugees but their rights in international law lack clarity.

3. Franciscans International, the International Catholic Migration Commission, the Maryknoll Office for Global Concerns (Maryknoll Fathers and Brothers and Maryknoll Sisters), the Jesuit Refugee Service and the Dominicans work with refugees and IDPs throughout the world. We tend to their needs and advocate with them on their behalf. In Colombia the situation is such an outrageous scandal that we urge the United Nations Commission on Human Rights, as a matter of high priority, to protect the human rights of these IDPs and to examine and address the causes of their displacement.

Internal displacement is linked to profit

4. People displace other people because of hatred or for personal profit. Twenty-five years ago the displacement of people in Colombia was largely due to the struggle between guerillas and the Government over the control of land. Fifteen years ago the narco-traffickers displaced people to control part of the territory. They are now the largest landowners in the country with an estimated 3 to 5 million hectares of the best agricultural and ranching land under their control. Today, the displacement is moving at an accelerated rate due to international business interests. Now the causes are more global than local. 2/

5. It is argued that the regions of Colombia that are most affected by the displacement are among some of the richest in oil, gold and forestry resources or are areas where macroeconomic projects are being implemented. Landowners, drug traffickers and local government officials are involved with paramilitary groups, aiming to get people to abandon their own land. 3/ It is cheaper to force people off the land by using paramilitaries and then to acquire the land at little or no cost. Government officials claim that the people are fleeing a dangerous war zone and cannot return safely. However, there is no serious discussion or attempt by the Government to return people to the land that they have abandoned. In fact, in many cases transnational corporations and narco-traffickers now occupy their land.

Oil, the paramilitary and displacement

6. Economics are at the root of the present-day phenomenon of IDPs in Colombia. The oil business in Colombia is an example of a pattern of government agreements with transnational corporations that turn Colombian citizens into IDPs and put money into the pockets of foreign investors. In the context of globalization and with the neo-liberal market conditions imposed by international financial institutions on the developing world, Colombia opened the door for transnational oil companies to gain control over another of its income-generating natural resources. We have seen occasions when cleared land is acquired by foreign investors and the properties are surrounded by security zones guarded by military or right-wing paramilitary forces.

Dependence on transnational oil companies

7. Oil is Colombia's most important commodity for export. Compared to coffee, which in 1996 represented 3.4 per cent of GNP and 15.2 per cent of Colombia's exports, oil accounted for 4.3 per cent of GNP and 26.8 per cent of the country's exports. In Colombia, Ecopetrol is the national State-owned petroleum company that was formed in the 1940s. As a State-owned corporation it had periods of profitability in the 1960s. In 1969, in order to attract and keep foreign state-of-the-art technology needed for oil exploration, the Colombian Government signed agreements under which multinationals and Ecopetrol would share exploration costs as well as information about current and previous attempts to find new deposits. In return for this cooperation there was to be a sharing of profits among the military, Ecopetrol and the multinationals. These association contracts with foreign companies have undermined Ecopetrol's ability to develop independently. Now, most of Ecopetrol's present earnings depend on its association with British Petroleum (BP), which began in 1997 to extract crude oil from the largest oil deposit (estimated at 2 billion barrels valued at US$ 25 billion) ever discovered in Colombia, the Cusiana, located in the eastern department of Casanare. In 1997 one third of all Colombian oil was produced by BP in the region of Casanare. In 1998 transnational oil companies, led by BP, extracted all the oil produced in Colombia. In 1988, Ecopetrol explored 3,245 square miles of territory, but by 1996 that figure had fallen to 621 square miles; in 1997 it was zero. Gradually the number of active Ecopetrol wells began to decrease - from 216 in 1986 to only 2 today. The terms of the association contracts have diminished Ecopetrol as a revenue-generating producer and decision maker at the bargaining table. 4/

8. Guerrilla forces have repeatedly attacked BP's and Occidental Petroleum's installations and pipelines. They have also kidnapped oil-industry officials. The civilian population has been caught in the violence and counter-violence thus generated. Until 1995, the oil industry indirectly paid for the protection of the armed forces through a flat war tax of $1 per barrel of oil. Beginning with the exploitation of the Cusiana reserve, however, companies like BP began negotiating protection agreements directly with the armed forces. In an unprecedented move the army assigned 3,000 troops from its 16th Brigade to the area surrounding BP's Cusiana installations. The military also forced the population to move some three miles away from the oil installations, otensibly for their own protection;

this is a common tactic in Colombia aimed at creating a safe, uninhabited corridor to protect transnational infrastructure investments in the country. This tactic, employed directly by the army and also by the paramilitary, has contributed to high numbers of IDPs.

9. In November 1997 Colombia's Superintendent of Security designated the Rural Cooperatives of Self-Defence and Security, known as Convivir, to assist in the protection of multinational operations. This decision was taken four months prior to the negotiations, led by the United Kingdom on behalf of the European Union, to write the Chairman's statement on Colombia which said that the fifty-fourth session of the Commission on Human Rights welcomed "the recommendations of the Colombian Constitutional Court on 7 November 1997 to impose strict controls on the weapons held by the 'special private security and vigilante services' (the so-called Convivir groups). It also welcome[d] the measures adopted by the Government of Colombia to regulate the establishment and functioning of those bodies, particularly prohibition of their establishment in zones of conflict." 5/ By saying that these organizations need to be controlled and not outlawed, a United Nations document for the first time formally acknowledged the legitimacy of a private mercenary armed force as a protection for private property within a country.

Barrancabermeja

10. Barrancabermeja, a large industrial city in the Department of Santander, is known for its oil refineries and for the strong organization and mobilization of civilian resistance to economic policies. The Colombian Government has tried to privatize Ecopetrol now that it has been decimated by agreements and competition with transnational oil companies. The move towards privatization has met with solid resistance from the powerful Worker's Trade Union (USO), one of the country's strongest labour unions which enjoys widespread support among the population because of its historic role in the struggle for the nationalization of oil and the creation of Ecopetrol in the 1940s. Precisely for this reason, USO leaders have been targets of brutal repression. Barrancabermeja is a strong centre of support for USO. Since 1987, over 80 members have been assassinated, the majority by paramilitary forces working in conjunction with the Government. 6/ The most well-documented cases are the murders of several USO leaders who were assassinated by the naval intelligence network of Barrancabermeja. Established in the early 1990s with the assistance of United States intelligence personnel, this paramilitary network has assassinated over 100 community leaders and union activists in the region. 7/

11. Franciscans International, the International Catholic Migration Commission, the Maryknoll Office for Global Concerns (Maryknoll Fathers and Brothers and Maryknoll Sisters), the Jesuit Refugee Service and the Dominicans are deeply concerned about certain events in Barrancabermeja since the fifty-fourth session of the Commission on Human Rights. These events are calculated acts of terrorism by right-wing paramiliatry that are designed to frighten the civilian population into submission or flight. On 16 May 1998, 50 members of the Autodefesas de Santander y el Sul del Cesar (AUSAC) entered three barrios in the south-east sector of the city of Barranca. There they killed a number of persons in front of their families and kidnapped at least 22 men. The families of the kidnapped men went to Bogotá to plead desperately

with government officials for the return of their sons and husbands. Their hopes were crushed when the right-wing paramilitaries issued a press release saying that during their captivity the men were tried, convicted of being Marxists, executed and their bodies incinerated.

12. Paramilitary groups routinely terrorize civilians to displace them from rural areas, saying that the aim is to eliminate any possibility of guerrillas gaining support from people in small towns and rural areas. In July and October 1998 10,000 farmers converged on Barancabermeja from Sur Bolivar for four months to protest the paramilitary activities in their regions as well as the lack of implementation of the accords that followed the farmers' protests in 1996. In their negotiations with the Government the farmers were assured that they could return home safely. When groups did return they were harassed and, in some cases, attacked by paramilitary shooting at them from helicopters. Others cannot return as their land had been sold to gold-mining companies.

13. Some of the people who fled to Barrancabermeja came from Tequisio. During the fifty-third session of the Commission our delegation received an urgent appeal for the safety of two Franciscan friars in Tequisio who were told by right-wing paramilitary sources in the region that they must leave or be killed. Neither of these men was politically involved. Each was a simple pastor. Eventually, the friars and many of the local population were forced to leave for safety reasons. In August 1998 a group of right-wing paramilitaries entered Tequisio and collected townspeople in the town plaza. There they publicly tortured four men with chain saws, eventually dismembering them and beheading them in front of family and friends. It was a brutal way to terrorize the remaining people so that they would abandon their land and leave it for the mining interests. We have since learned that gold has been discovered in the region of Tequisio.

Our recommendations to the Commission on Human Rights

14. Acknowledging the steps taken by the Colombian Government to protect the displaced included in Law 387/97:

(a) Together with other Colombian-based NGOs, we strongly urge the international community to strengthen the office of the High Commissioner for Human Rights in Bogotá;

(b) We recommend that the personnel of the office of the High Commissioner for Human Rights in Bogotá be increased to include persons offering diverse expertise, e.g. trade union organizers, teachers and members of the religious community;

(c) We request the office of the High Commissioner for Human Rights in Bogotá to ask the Government of Colombia to respect and implement the "Guiding Principles on International Displacement";

(d) We recommend that the office of the High Commissioner for Human Rights in Bogotá publish a "1999 Plan of Work" within which the monitoring of

the violations of human rights of the IDPs would be a priority. We urge that the work identify the root causes of the displacement as well as the reasons why the IDPs have not been able to return to their lands;

(e) We ask the Government of Colombia to investigate all human rights violations and specifically to account for the whereabouts of the 22 men who were disappeared by right-wing paramilitaries in Barrancabermeja on 16 May 1998;

(f) We urge the Government of Colombia to work with trilateral country sponsors to accompany IDPs in their return home and to guarantee their safety during the resettlement process and afterwards. We point to the example of Guatemala, where multilateral teams from the international community worked with the national Government to repatriate civilians in conflict zones, believing that resettlement cannot wait for a peace settlement;

(g) We recommend that the United Nations Special Rapporteur on mercenaries, Mr. Enrique Bernales Ballestreros, visit Barancabermeja to investigate the economic links between paramilitaries and transnational corporations;

(h) We urge Mr. Francis Deng the Special Representative of the Secreatry-General on IDPs, to visit Colombia in 1999 to report on the situation of IDPs there and that his report be speedily published.

Notes

1/ Crosslines, Global (IDP Survey) Report, September-October 1998. pp. 15-16.

2/ Grupo de Apogo a Organizaciones de Desplazados (GAD), Bulletin No. 24, 15-30 July 1998.

3/ El Tiempo (Bogotá), 22 May 1998.

4/ NCLA Report on the Americas, vol. XXXI, No. 5, March/April 1998, p. 43.

5/ See E/1998/23-E/CN.4/1998/177, para. 26

6/ El Tiempo (Bogotá), 11 May 1993 and 14 January 1994; El Colombiano (Medellín), 17 August 1995.

7/ Human Rights Watch/Americas, Colombia's Killer Networks: The Military-Paramilitary Partnership and the United States, New York, Human Rights Watch, 1996.

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THE RIGHT TO DEVELOPMENT

Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 March 1999]

GE.99-11543 (E)

Development and human rights

1. UNDP, in its "Integrating Human Rights with Sustainable Development - a UNDP Policy Document", quotes the United Nations Working Group on the Right to Development as follows: (the right to development is) "multidimensional, integrated, dynamic and progressive. Its realization involves the full observation of economic, social, cultural, civil and political rights. (...) Realization of the Right to development is the responsibility of all actors in development, within the international community, within States at both the national and international levels, within the agencies of the United Nations system". UNDP goes on to note that "a fundamental human freedom is the freedom from want. Poverty is a human rights violation and freedom from poverty is an integral and inalienable human right."

2. There are different viewpoints on poverty in various civilizations, cultures and religions. Islam considers poverty as a basic and, at the same time, an unacceptable phenomenon and has issued certain prescriptions concerning poverty. Although the Islamic States are not categorized as developed countries, it should not be assumed that Islam regards poverty as a positive phenomenon. As a matter of fact, Islam severely condemns all forms of poverty, both moral and material, and considers its existence to be a destructive factor for the society and human values. Furthermore Islam, seeing poverty as a phenomenon in opposition to religion, provides certain mechanisms for the elimination of poverty to such an extent that it can be said that Islam has planned its development strategies on the basis of eliminating poverty in human societies.

3. The existence of poverty in human societies causes certain fundamental obstacles in the way of the poor societies in realizing their rights. The expansion of poverty leads to efforts to satisfy solely the primary needs and efforts to realize the other basic rights of mankind are being ignored. Rights such as the right to life, the right to freedom of expression and thought, the right to self-determination and other important and fundamental rights become of vital importance once the members of the societies no longer have to be concerned with their shelter, food and clothing needs. In such societies, the Governments consider meeting the primary needs of their nationals as their main task and, as an unfortunate result, has always been used as an excuse for dictatorial Governments to violate their nationals' basic human rights.

4. Poverty and sustainable livelihoods are closely linked to human rights. Indeed, poverty is a violation of human rights. As UNDP stated in its policy document, poverty and inequality can undermine human rights by fuelling social unrest and violence and increasing the precariousness of social, economic and political rights.

5. Among the different viewpoints on the right to development, two viewpoints are more important. The first viewpoint belongs to those who believe that the right to development can be regarded as an excuse for some States to exercise pressure on other States. The second point of view is of those who believe that raising the issue of the right to development for those autocratic States can justify their ignoring human rights violations within their territories.

6. Although there is a lot to say on poverty as an ominous and threatening phenomenon at the international level, what is of great importance is an understanding of the current situation. This point should be taken into consideration: that protecting the basic and fundamental rights requires the establishment of civil society institutions and that the establishment of such institutions cannot be realized without the promotion of people's knowledge. Therefore, it is necessary to think about appropriate mechanisms for the promotion of people's knowledge in different societies, mechanisms planned in line with educational goals and providing for the primary needs of human societies. To this end, the role of the NGOs in planning and executing both local and national programmes is of vital importance and the allocation of technical and financial support for the educational and cultural activities of these NGOs is requested.